

AMENDED IN SENATE MARCH 25, 1999

SENATE BILL

No. 558

Introduced by Senator Baca

February 19, 1999

An act to add Section 31720.6 to the Government Code, relating to county employee retirement benefits.

LEGISLATIVE COUNSEL'S DIGEST

SB 558, as amended, Baca. County employee retirement benefits.

The County Employees Retirement Law of 1937 provides that the development of heart trouble by specified safety members shall be presumed to arise out of and in the course of employment.

This bill would prescribe a similar presumption in the case of the development of cancer.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 31720.6 is added to the
2 Government Code, to read:
3 31720.6. (a) If a safety member, a ~~fireman—member~~
4 *firefighter*, or a member in active law enforcement who
5 has completed five years or more of service under a
6 pension system established pursuant to Chapter 4
7 (commencing with Section 31900) or under a pension
8 system established pursuant to Chapter 5 (commencing

1 with Section 32200) or both or under this retirement
2 system or under the Public Employees' Retirement
3 System or under a retirement system established under
4 this chapter in another county, and develops cancer, the
5 cancer so developing or manifesting itself in those cases
6 shall be presumed to arise out of and in the course of
7 employment. The cancer so developing or manifesting
8 itself in those cases shall in no case be attributed to any
9 disease existing prior to that development or
10 manifestation.

11 (b) Notwithstanding the existence of nonindustrial
12 predisposing or contributing factors, any member
13 permanently incapacitated for the performance of duty
14 as a result of cancer shall receive a service-connected
15 disability retirement if the member demonstrates ~~both of~~
16 ~~the following:~~

17 ~~(1) Exposure that he or she was exposed to a known~~
18 ~~carcinogen as a direct result of performance of job duties~~
19 ~~and not solely as a result of work environment.~~

20 ~~(2) A reasonable link between the disabling cancer~~
21 ~~and the known carcinogen to which the member was~~
22 ~~exposed. "Known~~

23 ~~"Known carcinogen"~~ for purposes of this section means
24 those carcinogenic agents recognized by the
25 International Agency for Research on Cancer, or its
26 director.

27 (c) ~~"Fireman member,"~~ *The cancer so developing or*
28 *manifesting itself in these cases shall be presumed to arise*
29 *out of and in the course of the employment. This*
30 *presumption is disputable and may be controverted by*
31 *evidence, that the carcinogen to which the member has*
32 *demonstrated exposure is not reasonably linked to the*
33 *disabling cancer, provided that the primary site of the*
34 *cancer has been established. Unless so controverted, the*
35 *appeals board is bound to find in accordance with the*
36 *presumption. This presumption shall be extended to a*
37 *member following termination of service for a period of*
38 *three calendar months for each full year of the requisite*
39 *service, but not to exceed 60 months in any circumstance,*

1 *commencing with the last date actually worked in the*
2 *specified capacity.*

3 (d) “Firefighter,” for purposes of this section, includes
4 a member engaged in active fire suppression who is not
5 classified as a safety member.

6 ~~(d)~~

7 (e) “Member in active law enforcement,” for
8 purposes of this section, includes a member engaged in
9 active law enforcement who is not classified as a safety
10 member.

